

Application No. 10/807,897 - - - - 8

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Remarks

Applicants hereby elect for further prosecution at this time the claims of Group VII, i.e., claims 1, 26 (in part), and 27-29, inclusive, drawn to a DNA vaccine suitable for eliciting an immune response against cancer, comprising a DNA construct operably encoding at least one cancer-associated inhibitor of apoptosis-family protein (IAP-family), encoded by polynucleotide sequence of SEQ ID NO: 3 (murine survivin), and at least one immunoreactive gene product in a pharmaceutically acceptable carrier. In view of the current amendment to claim 2, this particular claim should be included in Group VII as well together with newly added claims 51-53, inclusive.

As to claim 28, applicants hereby elect SEQ ID NO: 7 (murine CCL 21) for further prosecution at this time.

Regarding election of species, applicants hereby elect survivin protein as the cancer-associated IAP-family protein. This species is defined by new claim 53. Claims 1, 2, 26, 27, 28, 29, 51 and 52 read on claim 53.

The foregoing elections are made without traverse.

Currently claims 1, 2, 26 (each in part), 27-29, and 51-53 are under consideration.

Claims 10-15, inclusive, are canceled without prejudice.

Claim 2 is currently amended so as to limit this claim to a DNA vaccine in accordance with claim 1 wherein the cancer-associated IAP-family protein is a survivin protein.

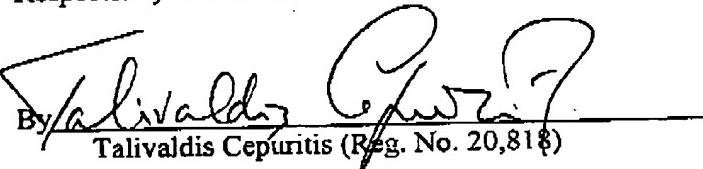
Claims 51-53 are new, and are presented to claim certain preferred combinations within the purview of the elected claims of Group VII. In view of the cancellation of claim 10-15, no additional claim fees are believed to be due.

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An early action on the merits is solicited.

Respectfully submitted,

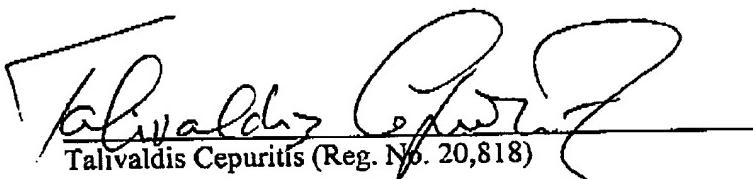
By 
Talivaldis Cepuritis (Reg. No. 20,818)

November 6, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT is being transmitted by facsimile transmission to Fax No. 571-273-8300 on November 6, 2006.


Talivaldis Cepuritis (Reg. No. 20,818)